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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,945	04/30/2001	Chia-Chu Dorland	10005653	8630

7590   03/07/2005

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EXAMINER
ALI, SYED J

ART UNIT	PAPER NUMBER
2127	

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/843,945	DORLAND ET AL.
	Examiner	Art Unit	
	Syed J Ali	2127	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 November 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some *   c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to the amendment filed November 23, 2004. Claims 1-
20 are presented for examination.

2.   The text of those sections of Title 35, U.S. code not included in this office action can be
found in a prior office action.

Claim Rejections - 35 USC § 102

**3.   Claims 1-11, 14-16, and 19-20 are rejected under 35 U.S.C. 102(e) as being
anticipated by Dattatri (US 2002/0049815).**

4.   As per claim 1, Dattatri teaches the invention as claimed, including a method of
automated event polling in a network comprising:

logging data into a database on a server (paragraphs 0036, 0046, 0062);

receiving a request for the data generated by a client using a Hypertext Transfer Protocol
[HTTP] message (paragraphs 0012, 0072);

responding to the request by reformatting the data into an Extensible Markup Language
[XML] format (paragraphs 0012, 0072, 0113); and

transmitting the data in XML format to the client (paragraphs 0012, 0072, 0113).

5.   As per claim 2, Dattatri teaches the invention as claimed, including the method of claim

1, wherein the data in XML format is transmitted by a web server to a client interface, wherein

the client interface generates the request for the data which is received by the web server

(paragraphs 0012, 0072, 0113).

6.   As per claim 3, Dattatri teaches the invention as claimed, including the method of claim

2, wherein the data is reformatted to XML format by a data interface, and wherein the data

interface retrieves the data from the database (paragraphs 0012, 0072, 0113).

7.   As per claim 4, Dattatri teaches the invention as claimed, including the method of claim

3, wherein the data interface is implemented as at least one of Common Gateway Interface

[CGI], Java Servlet (paragraphs 0012, 0015-0016), and Microsoft Internet Server Application

Programming Interface [ISAPI].

8.   As per claim 5, Dattatri teaches the invention as claimed, including the method of claim

1, wherein the data is logged into the database by an information source (paragraphs 0038,

0046).

9.   As per claim 6, Dattatri teaches the invention as claimed, including the method of claim

5, wherein the information source comprises:

        an alarm generator (paragraphs 0038, 0046); and

        a configuration graphical user interface (paragraphs 0101-0107).

10.   As per claim 7, Dattatri teaches the invention as claimed, including the method of claim

1, further comprising:

        receiving the transmitted response by the client (paragraphs 0012, 0072, 0113); and

        parsing the data in XML format to obtain at least one element included in the data

(paragraphs 0012, 0072).

11.   As per claim 8, Dattatri teaches the invention as claimed, including the method of claim

1, wherein the data includes a sequence number (paragraphs 0053, 0063).

12.   As per claim 9, Dattatri teaches the invention as claimed, including the method of claim

1, wherein the data includes a creation time-stamp of the database (paragraphs 0052, 0054-0055).

13.   As per claim 10, Dattatri teaches the invention as claimed, including a method of event

polling in a network on a client comprising:

        generating a HTTP request for data from a database on a server (paragraphs 0012, 0072);

        receiving a response to the request in XML format (paragraphs 0012, 0072, 0113); and

        converting the data in XML format to a format used by client software (paragraphs 0012,

0072, 0113).

14.   As per claim 11, Dattatri teaches the invention as claimed, including the method of claim

10, further comprising:

storing a sequence number from the data to a client database (paragraphs 0053, 0063);

and

requesting data that corresponds to a next sequence number from the database on the

server in a next HTTP request (paragraphs 0012, 0072, 0113).

15.   As per claim 14, Dattatri teaches the invention as claimed, including the method of claim

10, wherein converting the data comprises:

parsing the data in XML format to obtain at least one element contained in the data

(paragraphs 0012, 0072).

16.   As per claim 15, Dattatri teaches the invention as claimed, including a system for

automated event polling in a network comprising:

a computer-based server comprising:

logic that receives a HTTP request for data from a database on the server

(paragraphs 0012, 0072);

logic that responds to the request by reformatting the data into an XML format

(paragraphs 0012, 0072, 0113); and

logic that transmits the data in XML format (paragraphs 0012, 0072, 0113); and

a computer-based client comprising:

logic that generates the HTTP request for the data from the database on the server

(paragraphs 0012, 0072);

logic that receives the data transmitted from the server in XML format (paragraphs 0012, 0072, 0113); and

logic that converts the data in XML format to a format used by client software (paragraphs 0012, 0072, 0113).

17.	As per claim 16, Dattatri teaches the invention as claimed, including the system of claim 15, wherein the computer-based client further comprises:

logic that stores a sequence number from the data to a client database (paragraphs 0053, 0063); and

logic that requests data that corresponds to a next sequence number from the database on the server in a next HTTP request (paragraphs 0012, 0072, 0113).

18.	As per claim 19, Dattatri teaches the invention as claimed, including the system of claim 15, further comprising:

an information source that logs the data to the database on the server (paragraphs 0038, 0046).

19.	As per claim 20, Dattatri teaches the invention as claimed, including the system of claim 19, wherein the information source comprises:

an alarm generator (paragraphs 0038, 0046); and

a configuration graphical user interface (paragraphs 0101-0107).

Claim Rejections - 35 USC § 103

20.   **Claims 12-13 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dattatri in view of Draper et al. (USPN 5,924,096) (hereinafter Draper).**

21.   As per claim 12, Draper teaches the invention as claimed, including the method of claim 11, further comprising:

synchronizing the client when a received database creation time stamp does not equal a stored database creation time stamp stored in a client database or when the client database has not been initialized (col. 5 lines 29-37; col. 6 lines 31-36; col. 6 line 49 - col. 7 line 3).

22.   It would have been obvious to one of ordinary skill in the art to combine Dattatri and Draper since Dattatri indicates that circumstances may arise in which database synchronization may be required, but fails to explicitly state the algorithm used to synchronize the databases (paragraph 0070). Numerous synchronization algorithms are known for databases, but not all would be beneficial to use with Dattatri. Since Dattatri is a real-time database that monitors information, time is of a critical importance. Thus, the synchronization algorithm of Draper, which uses time-based tags, such as timestamps or sequence numbers as indicators (col. 5 lines 29-37), would allow the synchronization to occur such that a simple comparison can be made between tags to determine if synchronization is necessary for a certain record. This reduces the overhead incurred by the synchronization operation, while also providing robust coherency.

23.   As per claim 13, Draper teaches the invention as claimed, including the method of claim 12, wherein synchronizing the client comprises:

initializing the client database if necessary (col. 5 lines 29-37; col. 6 lines 15-22; col. 6 lines 31-36; col. 6 line 49 - col. 7 line 3); and

comparing the server database creation time-stamp to a creation time-stamp stored in the client database, wherein the sequence number is set to zero and the creation time-stamp stored in the client database is set to the server database creation time-stamp, if the time-stamps are not equal (col. 5 lines 29-37; col. 6 lines 31-36; col. 6 line 49 - col. 7 line 3).

24.   As per claim 17, Draper teaches the invention as claimed, including the system of claim 15, wherein the computer-based client further comprises:

logic that synchronizes the client when a received database creation time stamp does not equal a stored database creation time stamp stored in a client database or when the client database has not been initialized (col. 5 lines 29-37; col. 6 lines 31-36; col. 6 line 49 - col. 7 line 3).

25.   As per claim 18, Draper teaches the invention as claimed, including the system of claim 17, wherein the logic that synchronizes the client comprises:

logic that initializes the client database if necessary (col. 5 lines 29-37; col. 6 lines 15-22; col. 6 lines 31-36; col. 6 line 49 - col. 7 line 3); and

logic that compares the creation time-stamps, wherein the sequence number is set to zero and the creation time-stamp stored in the client database is set to the server database creation time-stamp, if the time-stamps are not equal (col. 5 lines 29-37; col. 6 lines 31-36; col. 6 line 49 - col. 7 line 3).

Response to Arguments

26.   **Applicant's arguments filed November 23, 2004 have been fully considered but they are not persuasive.**

27.   Applicant argues on page 7, *"[t]he Dattatri document does not teach or suggest using automated event polling."* A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963).

28.   Applicant also alleges that Dattatri does not teach or suggest *"supplying an http request to a database which responds to the request by sending data in an XML format."* It is noted that the features upon which applicant relies are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claims indicate that a client generated HTTP request is received and the response data is reformatted into an XML message. Nowhere in independent claims 1, 10, or 15 is there any mention of reformatting the data into XML before sending the request to the database. Nor is

there any mention of supplying the request to the database. As the claims are presented, an

HTTP request is received at a server and a response is formatted in XML. There is no limitation

relating to whether the reformatting is performed by the server or the database, nor is there any

limitation relating to the point in the process that the reformatting occurs, except that

reformatting occurs before transmitting the XML message to the client.

29.   Applicant argues that *"the Dattatri document does not teach or suggest using an http*

request to directly access a database as occurs, for example, with the database interface 306 of

Applicants' exemplary Figure 3 embodiment." These features also are not recited in the rejected

claims, and are rejected for similar reasons as discussed above in paragraph 28. See *In re Van*

Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

30.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed J Ali whose telephone number is (571) 272-3769. The examiner can normally be reached on Mon-Fri 8-5:30, 2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai T An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Syed Ali
February 24, 2005

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